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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,370	08/05/2003	Daniel K. Tomaschko	S63.1-7132US03	6918
490	7590	04/19/2005	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			BUI, VY Q	
			ART UNIT	PAPER NUMBER
			3731	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/634,370	Applicant(s) TOMASCHKO, DANIEL K. ET AL	
	Examiner Vy Q. Bui	Art Unit 3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-48 is/are pending in the application.
- 4a) Of the above claim(s) 42-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The amendment filed 1/25/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matters into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: mandrel 200 in amended drawings 3-4 are disposed inside segment 120 and the amended paragraphs on pages 8 and 9 of the written specification. The original specification simply does not disclose a mandrel 200 disposed inside segment 120 as now shown in amended Fig. 3-4.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 101

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matters, which were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification and drawings of the present invention fail to disclose rotating a mandrel so as to rotate the balloon.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33-37, 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over WANG et al.-5,807,520 in view of WAND et al.-5,525,388.

As to claims 33-37, 39-41, WANG-'520 (col. 1, lines 49-54; col. 2, lines 26-30) discloses it is well known to reduce balloon waist thickness and balloon cone/tapered portion thickness. WANG does not teach reducing balloon waist thickness and balloon cone/tapered portion thickness by abrading. WAND (Fig. 1-5; col. 2, lines 47-53) discloses a method of thinning a balloon-tapered portion is by machining, abrading the tapered portions of a balloon preform (parison). A material removal process by abrading with a grinding machine to remove the material with high accuracy is well known. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to use a grinding machine to thin a balloon material in a process as recited in the claims.

Claims 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over WANG et al.-5,807,520.

As to claims 33 and 38, WANG-'520 (col. 1, lines 49-54; col. 2, lines 26-30) discloses it is well known to reduce balloon waist thickness and balloon cone/tapered portion thickness. WANG does not teach reducing balloon waist thickness and balloon cone/tapered portion thickness by chemical etching/solvent. However, chemical etching/solvent to remove a material with high accuracy is well known. It would have been obvious to one of ordinary skill in the art

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at the time of the invention was made to use a chemical etching/solvent to thin a balloon material in a process as recited in the claims.

Response to Arguments

Applicant's arguments filed 1/25/2005 have been fully considered but they are not persuasive.

As to 35 U.S.C. 112 rejection, it is recognized that in relation to Fig. 4, the original written specification discloses a mandrel may also be used in place or in addition to the die for support as needed (page 9, lines 11-12). However, the original written specification and original Fig. 4 have failed to disclose a mandrel disposed inside the segment 120 as now shown in amended Fig. 4. Further, the original written specification and Fig. 3 simply does not disclose a mandrel to support segment 120 as now amended in the written specification and Fig. 3. The amendments of Figs. 3-4 and the original written specification are therefore considered as added new matters.

As to 35 U.S.C. 103(a) rejection, the Applicants argued that "Both Wang and Wand seek to provide balloons with uniform or constant wall thicknesses (Wang: column 2, lines 25-33; Wand: column 2, lines 46-47). Nowhere do the references, alone or in combination teach or suggest a method of removing material from a balloon wherein removal of said material is to form a shaft section having a first portion with a substantial uniform first diameter and a second portion with a substantially uniform second diameter, different than the first diameter".

However, Wang (col. 2, lines 32-33) discloses "cone and waist walls with reduced, uniform thicknesses". Inherently, the uniformed thicknesses of the waist portions are somewhat different from one another because of the manufacturing tolerance.

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Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T Nguyen can be reached on 703-308-2158. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


04/18/2005

Vy Q. Bui
Primary Examiner
Art Unit 3731